

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:23-cv-00086-M

DERRICK ALLEN,

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Plaintiff,

)

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v.

)

ORDER

)

SIGNATURE SMILES, *et al.*,

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Defendants.

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This matter comes before the court on the memorandum and recommendation (“M&R”) issued pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b) by United States Magistrate Judge Robert B. Jones, Jr. Judge Jones recommends that the complaint filed pro se by the Plaintiff be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B). Plaintiff was informed that he may file an objection to the M&R on or before April 20, 2023 [DE 5 at 8-9], but nothing has been filed.

A magistrate judge’s recommendation carries no presumptive weight. The court “may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the entire record presented, and finding no clear error, the

court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, Plaintiff's Complaint is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B). The Clerk of Court is directed to close this case.

SO ORDERED this 2^d day of May, 2023.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE